

## Remarks

Claims 2-4 and 7-26 are pending in this application. Claims 2 and 21 have been amended in various particulars as indicated hereinabove.

Claims 2-4, 7-15, 17-18, and 20-26 were rejected under 35 U.S.C. 102(e) as being anticipated by Moskowitz (US 20030200439). In a related rejection, claims 16 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz as applied to claims 2 and 15 above, and further in view of Jennings *et al.* (US 2002/0099842), hereafter Jennings.

These rejections are respectfully traversed for the following reasons.

The pending claims are now distinguishable on two points.

Claim 2, for example, requires that the tag is created and associated with the content file transmission at the location where the content file transmission is originally published by an owner of the content, the owner being an entity that is authorized to distribute the content. This so tagged content is then distributed in the network with the tag.

In contrast, Moskowitz system relies on the sender peer node to insert its "watermark". Using such a system, and given that in a peer-to-peer distribution network, in which the peer nodes have no economic incentive to enforce watermarks, there is no way to enforce watermarking of the content being sent and received. In short, the Moskowitz system requires the sender and/or receiver peer nodes to be active participants in the watermarking or the certificate management.

In contradistinction, in the present claimed system, the owner creates the content tags and embeds them in the content itself, once. Then, the content gets distributed in the network with those content tags.

The present claims thus address technical and non-technical flaws not contemplated by applied references. Moskowitz puts the burden of watermarking on the

peer/sender of the content. In a peer-to-peer network, there are thousands and even millions of participating senders and receivers sharing millions of content files—making enforcement problematic. Instead, with the present system, a publisher places tagged content into the network, and since the tags are associated with the actual content, the tags remain independent of the senders and receivers. Thus, in the present system, the tags are embedded and controlled by entities that have an interest in the content and its proper dissemination.

Moreover, claim 2, for example, now also requires that the tags specify an authentication server, which is contacted for authentication. Thus, the system provides for a distributed authentication system such that a few servers can control the distribution of the content within the network, with each tag specifying the relevant authentication server. This operation is also not shown or suggested by the applied references.

Thus, these rejections should be withdrawn.

It is believed that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

By /grant houston/  
J. Grant Houston  
Registration No.: 35,900  
Tel.: 781 863 9991  
Fax: 781 863 9931

Lexington, Massachusetts 02421  
Date: September 4, 2009